

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

IN RE:

**William Dean Briscoe and Susan Fuller
Briscoe,
Debtors.**

Case Number 11-10262

Chapter 7

ORDER FOR RELIEF FROM THE AUTOMATIC STAY

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay (the "Motion") filed by US Bank National Association, as Trustee for Banc of America Funding Trust 2005-5 by and through Wells Fargo Bank, NA (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property") located at 6528 South Crossbow Pla, Chandler, AZ 85249. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on March 23, 2011.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on March 24, 2011 that any objection to the Motion must be filed with the Court by April 9, 2011 and that if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objection to the Motion was filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow Wells Fargo Bank, NA to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that Movant shall be permitted to communicate with the Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable nonbankruptcy law.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

Parties to be Served:
11-10262

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